

ORIGINAL**FILED****IN THE UNITED STATES COURT OF FEDERAL CLAIMS****OCT 15 2014****BID PROTEST****U.S. COURT OF
FEDERAL CLAIMS**

SIERRA NEVADA CORPORATION,)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)

Case No. _____

Judge _____

14-994C

**PLAINTIFF'S MOTION FOR LEAVE TO FILE DOCUMENTS
UNDER SEAL AND MOTION FOR A PROTECTIVE ORDER**

Pursuant to RCFC 7, 10 and RCFC, Appendix C, ¶¶ 4-7 and 17(a), Plaintiff Sierra Nevada Corporation ("SNC"), through its undersigned counsel, respectfully requests that the Court file under seal SNC's memorandum and appendix in support of its application for a temporary restraining order and motion for a preliminary injunction. These documents are being filed contemporaneously with this motion for leave. Additionally, SNC requests that this Court issue a protective order.

These procedures are necessary because SNC relies on a document that contains material subject to a Government Accountability Office ("GAO") protective order in the underlying bid protest. The document containing protected information that is cited in SNC's memorandum in support of its application and motion for preliminary injunctive relief is included as an exhibit to SNC's memorandum. *See Sierra Nevada Corporation, B-*

410485.1, Protective Order (Tab 1). Also, the parties may rely on other documents that contain sensitive, proprietary information.

Additionally, pursuant to RCFC, Appendix C, ¶ 6, SNC has submitted proposed redacted versions of the documents it is requesting the Court to file under seal (Tab 2). These documents should initially be filed under seal pending the Government's and any intervenor's approval of the proposed redactions. SNC has prepared a version of the standard protective order with the instant case's caption. Proposed Protective Order (Tab 3).

For the foregoing reasons, SNC respectfully requests that this Court file under seal SNC's memorandum and appendix in support of its application for a temporary restraining order and motion for a preliminary injunction. Additionally, SNC respectfully requests that this Court enter a protective order.

Dated: October 15, 2014

Respectfully submitted,

By:


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Corporation

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BID PROTEST

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CERTIFICATE OF SERVICE

I hereby certify that I have caused to be delivered, by hand, facsimile, or electronic means, on this 15th day of October, 2014, copies of (1) the Complaint, (2) Plaintiff's Application for a Temporary Restraining Order, (3) Proposed Temporary Restraining Order, (4) Motion for a Preliminary Judgment and Injunction Relief, (5) Proposed Order Granting Preliminary Injunction, (6) Proposed Order Granting Declaratory Judgment (7) Memorandum in Support of Plaintiff's Application for a Temporary Restraining Order and Motion for a Preliminary Injunction, (8) Plaintiff's Corporate Disclosure Statement, and (9) Plaintiff's Motion For Leave To File Documents Under Seal and Motion For A Protective Order on the following counsel:

- A. For the United States, the Dept. of Justice Commercial Litigation Branch;
- B. For the contracting agency, NASA, Karen M. Reilley;

C. For awardee SpaceX, Rick Vacura; and

D. For awardee Boeing, Scott McCaleb.

Dated: October 15, 2014

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